

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RICHARD PANNELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00104

WEXFORD HEALTH SOURCES, INC., et al.,

Defendants.

ORDER

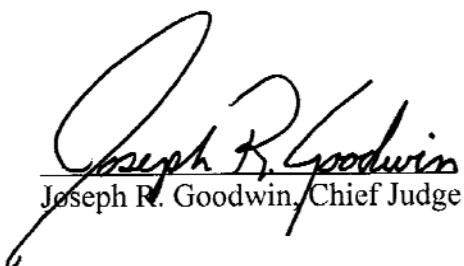
Pending in this matter are the following motions: Motion by David Ballard, Kathy Dillon, Charlene Sotak, Mount Olive Correctional Complex, and James Rubenstein to Dismiss the Complaint [Docket 17]; Motion by Wexford Health Sources, Naomi Roberts, Subash Gajendragadkar, and Kim Lauder to Dismiss the Complaint and Dismiss Defendants Bodday and Ramsey [Docket 19], Motion by Naomi Roberts to Dismiss Complaint [Docket 27], and Motion by Subash Gajendragadkar to Dismiss the Complaint [Docket 29]. For the reasons set forth in the Magistrate Judge's Proposed Findings and Recommendation, the motions are **GRANTED**.

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **GRANT** each pending motion mentioned above. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

The failure to object to a magistrate judge's report may be deemed a waiver of appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Therefore, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations.

The court thus **GRANTS** the following motions: Motion by David Ballard, Kathy Dillon, Charlene Sotak, Mount Olive Correctional Complex, and James Rubenstein to Dismiss the Complaint [Docket 17]; Motion by Wexford Health Sources, Naomi Roberts, Subash Gajendragadkar, and Kim Lauder to Dismiss the Complaint and Dismiss Defendants Bodday and Ramsey [Docket 19], Motion by Naomi Roberts to Dismiss Complaint [Docket 27], and Motion by Subash Gajendragadkar to Dismiss the Complaint [Docket 29]. The court **DISMISSES** this action from the docket, and **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 16, 2010



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge